

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

KATHRYN MILLER,)
)
Plaintiff,)
)
v.) C.A. No. 05-CV-145 GMS
)
GEOX USA, INC., and GEOX SPA,)
)
Defendants.)

STIPULATION AND ORDER

The parties, by and through the undersigned counsel, and subject to the approval of the Court, hereby agree as follows:

1. After completion of briefing on Defendant's Motion for Judgment on the Pleadings seeking dismissal of Plaintiff's Amended Complaint, Plaintiff requested and received a Right-to-Sue letter from the U.S. Equal Employment Opportunity Commission (EEOC);
2. The parties agree that Plaintiff's receipt of a Right-to-Sue letter from the EEOC has cured any defect in Count I of Plaintiff's Amended Complaint caused by her failure to have obtained a Right to Sue letter from the EEOC before instituting this action.
3. As a result, Defendant hereby withdraws its Motion For Judgment on the Pleadings seeking dismissal of Count I of Plaintiff's Amended Complaint based on her failure to obtain a Right-to-Sue letter before filing suit in this Court;
4. Plaintiff stipulates and agrees that based on 19 Del. C. §714(c), Count II of her Amended Complaint is dismissed with prejudice.

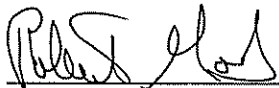
5. The parties preserve all other claims and defenses with respect to Counts I and III of Plaintiff's Amended Complaint.

6. This Stipulation and Order does not modify or amend the Court's Order of July 13, 2005 entering Final Judgment on all claims in favor of Defendant Geox SPA and in favor of Defendant Geox SPA and Geox USA, Inc. on Plaintiff's claims under 42 U.S. C. §1983, 42 U.S.C. § 1981, and the United States Constitution as set forth therein.

7. No further action on Defendant's pending Motion for Judgment on the Pleadings is required. The Court will schedule this action for a case scheduling conference in accordance with the Court's regular process.

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SO ORDERED this _____ day of _____, 2005.

The Honorable Gregory M. Sleet, U.S.D.C.